

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

June 18, 2001

**D037081        Sandoval v. City of National City et al.**

The appeal is dismissed pursuant to rule 17(a).

**D035755        People v. White**

The judgment is affirmed. Nares, J; We Concur: Kremer, P.J., Benke, J.

**D033510        People v. Garcia**

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., McDonald, J.

**D037214        In re Belloli on Habeas Corpus**

The petition is denied.

**D036726        People v. Maiorano**

Judgment affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

June 19, 2001

**D038114        In re Kaytlyn K., a Juvenile**

The Notice of Appeal filed June 8, 2001 is dismissed as untimely.

**D037542        White v. Lim**

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., McDonald, J.

**D035302        People v. Fikes**

The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., Huffman, J.

**D036591        In re Gregory L., a Juvenile**

Condition No. 17 is modified to read as follows: "Minor shall not associate with or be in the company of any person known to the minor to be a gang member and shall not wear any item of clothing such as a hat, bandanna, badge, logo, jewelry, or possess any paraphernalia including photos or graffiti known by minor to be associated with any gang." For purposes of this paragraph, the word "gang" means a "criminal street gang" as defined in Penal Code section 186.22, subdivisions (e) and (f). Except to the extent of this modification to the conditions of probation imposed upon Gregory, the order is affirmed. Benke, J.; We Concur: Kremer, P.J., Nares, J.

**D034787        Argonaut Great Central Insurance Company v. St. Mar Enterprises, Inc., etc.**

It is ordered that the opinion filed on June 5, 2001, be modified. There is no change in judgment.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

June 20, 2001

**D035030        People v. Lopez**

The judgment is affirmed and the matter is remanded for a new sentencing hearing at which the trial court shall exercise its discretion to impose consecutive or concurrent sentences on the prior assault conviction and the current unlawful taking or driving a vehicle conviction. McDonald, J.;  
We Concur: Benke, Acting P.J., Nares, J.

**D038009        Lidia A. v. Superior Court of the County of San Diego/San Diego County Health and Human Services Agency.**

The attorney for petitioner Lidia A. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

**D035526        Palacio v. County of Imperial et al.**

Affirmed. Costs of appeal are awarded to Palacio. Huffman, J.; We Concur: Benke, Acting P.J., McDonald, J.

**D036165        People v. Smith**

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Nares, J.

**D035893        People v. Brock**

Judgment affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D036013        People v. Anaya**

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., Nares, J.

**D036060        People v. Suffern, Jr.**

The abstract of judgment is ordered modified to delete all reference to the count 2 conviction of possession of cocaine base, and copies of the amended abstract of to be furnished the appropriate correctional authorities. In all other respects, the judgment is affirmed. Huffman, J.;  
We Concur: Kremer, P.J., Nares, J.

**D037224        In re Chanda T., a Juvenile**

The opinion filed on May 24, 2001 is modified. No change in judgment. The petition for rehearing is denied.

**D034840        People v. Ojeda**

The judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., McDonald, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

June 20, 2001 (Continued)

**D036529        In the Marriage of Check**

The judgment is affirmed insofar as it determines the community property portion of Family Jewels, Inc. and disposition of the Newport Brokerage Securities account, no.15020931. The judgment is reversed insofar as it determines the characterization of the Orange National and Wells Fargo bank accounts and Jeffrey's right to reimbursement for the \$62,500 downpayment on the Wendt property. The cause is remanded with directions to the trial court to amend its findings and issue a new judgment in accordance with this opinion. The parties shall bear their own costs on appeal. O'Rourke, J.;  
We Concur: Nares, Acting P. J., McIntyre, J.

**D036567        People v. Berumen**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., McDonald, J.

**D034891        People v. Balaoing**

The abstract of judgment is ordered modified to delete reference to the conviction for carjacking (count 3), and copies of the amended abstract are to be furnished to the appropriate correctional authorities. In all other respects, the judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., Nares, J.

**D037381        Service Employees International Union, AFL-CIO et al. v. Superior Court of Orange County/Orange County Employees Association, Inc.**

Let a writ of mandate issue ordering the Superior Court of Orange County to vacate Section 10 of its employee relations regulations and adopt reasonable showing of interest requirements for future decertification petitions consistent with this opinion and pursuant to the good faith meet and confer requirement set forth in rule 2205(b). Costs are awarded to petitioners. CERTIFIED FOR PUBLICATION. McIntyre, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

**D035174        People v. Van Pelt**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

**D036744        City of San Diego v. Workers' Compensation Appeals Board/Molnar**

The order of the Board is annulled. CERTIFIED FOR PUBLICATION. McIntyre, J.;  
We Concur: Benke, Acting P.J., O'Rourke, J.

**D038086        Bravo v. The Superior Court of San Diego County/Ismaj et al.**

Let a writ issue directing the superior court to vacate its ruling of March 29, 2001, prohibiting Bravo from all further communications with counsel other than the attorneys listed in the court pleadings, and enter an order consistent with this opinion. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 24(d).) Kremer, P.J.; We Concur: Huffman, J., McDonald, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

June 21, 2001

**D037809        Hawkes v. Sommer**

Appellant's appeal filed April 17, 2001 is dismissed as it is from a non-appealable order.

**D035762        People v. Mejia**

The judgment is affirmed. Benke, Acting P.J.; We Concur: Haller, J., McIntyre, J.

**D036817        Cruces v. Southern California Edison Company/CNA Insurance Companies**

The appeal is dismissed. Benke, J.; We Concur: Kremer, P.J., Haller, J.

**D034998        People v. Hill**

Judgment affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D036244        Desmet et al. v. Gallo et al.**

The order is reversed as to Desmet's trespass, malicious prosecution and abuse of process causes of action, and the court is directed to grant the motion as to those causes of action. The order is affirmed as to Desmet's invasion of privacy cause of action and the matter remanded for further proceedings on that claim. Having reversed the denial of Desmet's section 425.16 motion to strike only in part, we cannot conclude he prevailed on the motion for purposes of attorney fees and costs on appeal. (Sec. 425.16, subdivision (c).) The parties are to bear their own costs on appeal. O'Rourke, J.; We Concur: Haller, Acting P.J., McIntyre, J.

**D036455        People v. Guzman**

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Nares, J.

**D037325        In re Van Pelt on Habeas Corpus**

The petition for habeas corpus is denied.

**D035423        People v. Thomas**

Judgment affirmed. McIntyre, J.; We Concur: Kremer, P.J., Huffman, J.

**D034423        People v. Hernandez**

We vacate the sentence and remand for resentencing consistent with this opinion. In all other respects, the judgment is affirmed. McDonald, J.; We Concur: Kremer, P.J., Benke, J.

**D033855        People v. Corona**

The opinion filed June 6, 2001, is ordered certified for publication with the exception of part II.

**D037303        People v. Nguyen, et al.,**

The judgments are affirmed. Nares, J.; We Concur: Kremer, P.J., Huffman, J.

**D038149        Mano-Banbury Corporation v. Superior Court of San Diego County/Peregrino etc.,  
et al.**

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

June 21, 2001 (Continued)

**D037547        AGNL, Inc., et al. v. Homes by Tara, Inc., et al.**

The judgment is reversed and this matter is remanded for a new trial on the Frosts' claims against Tara and Huss. The postjudgment awards of attorney fees, expert witness fees and ordinary costs are also reversed. Appellants shall recover their costs on appeal. Nares, J.; We Concur: Kremer, P.J., Benke, J.

**D035408        People v. Williams**

The judgment is affirmed. Nares, J.; We Concur: Kremer, P.J., Benke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

June 22, 2001

**D035589        People v. Burnside**

The judgment is affirmed. McIntyre, J.; We Concur: Kremer, P.J., Benke, J.

**D036639        People v. Wilford**

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., McDonald, J.

**D037345        In re Simmons on Habeas Corpus**

The petition is denied.

**D034043        People v. Smith**

Judgment affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.